IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1131 OF 2006

Jagannath Ganpat Kudalkar ..Petitioner.

Vs.

Deepak Nirmalkumar Vankudre & Ors. ..
Respondents.

...

Mr. P.S. Dani for the Petitioner.

CORAM: DR.D.Y.CHANDRACHUD, J.

10th April, 2006.

P.C. :

For the reasons which are contained in paragraph 6 of the impugned order dated 20th October, 2005, the Learned Trial Judge has declined to allow an amendment to the written statement in a suit which was instituted after the amended provisions of Order 6 Rule 17 of the Code of Civil Procedure came into force. The interference of this Court is not warranted at this stage. However, while dismissing the Petition it is clarified that it would be open to the Petitioner to raise all appropriate grounds in a regular first appeal, should it become necessary for the Petitioner to challenge the final decree of the Trial Court, including the refusal of the amendment to the written statement. The Petition is accordingly dismissed.